

HIGH TECH BROADBAND COALITION



Broadband Principles for Consumer Connectivity

The FCC should adopt its tentative conclusion that wireline broadband Internet access services are Title I services that should be subject only to minimal regulation. The same classification should also apply to stand-alone broadband transport service offerings.

Broadband Connectivity Principles

The FCC should endorse the following broadband connectivity principles to assure that consumer interests are protected. It is premature to determine if these principles are actually being undermined, thus it is not now necessary for the FCC to promulgate rules in this area. However, the FCC should vigilantly monitor cable modem and DSL broadband services as they develop, expeditiously review any complaint and reassess the marketplace in 2 years to assure:

- 1) Consumers should receive meaningful information regarding their broadband service plans.
- 2) Broadband consumers should have access to their choice of legal Internet content within the bandwidth limits and quality of service of their service plan.
- 3) Broadband consumers should be able to run applications of their choice, within the bandwidth limits and quality of service of their service plans, as long as they do not harm the provider's network.
- 4) Consumers should be permitted to attach any devices they choose to their broadband connection at the consumer's premises, so long as they operate within the bandwidth limits and quality of service of their service plans and do not harm the provider's network or enable theft of services.

ISP Access

The FCC should adopt its tentative conclusion that wireline broadband Internet access, including broadband transport service, are Title I services that should be subject only to minimal regulation.

In order to promote broader consumer access, innovation and choice, wireline broadband providers, including ILECs and their affiliates, should be permitted to negotiate privately the terms of broadband transport service agreements with affiliated and unaffiliated ISPs and other customers, subject to the following "safe harbor" requirements for a transition period:

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- 1) Wireline broadband providers shall honor existing transport agreements (whether tariffed or contracted) with unaffiliated ISPs. Where ISPs have purchased transport services under tariffs, the broadband providers will be obligated to maintain those services under the same terms and conditions as specified in the tariff, but provided for under a new contractual agreement. ISPs and carriers may negotiate alternative service agreements if they choose.
- 2) Wireline broadband providers will make available a basic transport service to unaffiliated ISPs in the following manner:
 - a. Wireline broadband providers will make available to unaffiliated ISPs a basic broadband transport service with the same basic functionality and at the same cost (volume, terms and conditions) that it provides to its affiliated ISPs.
 - b. Such agreements shall cover the basic broadband transport functionalities between qualified end user locations and the wireline broadband provider's designated interconnection point.
 - c. A basic broadband transport agreement shall be posted on the wireline broadband provider's website. During this transition, unaffiliated ISPs may agree to the terms specified in the posted agreement or may negotiate other commercial arrangements beyond the basic service terms of the posted agreement.
- 3) These transition and "safe harbor" requirements will expire no later than two years from the effective date of the FCC's order in this proceeding. To the extent that the FCC imposes any requirements on broadband providers thereafter, such requirements shall apply to broadband platforms in a competitively neutral fashion.